

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

EILEEN POLIZZI, Fund Manager of)	
The Teamsters Local 404 Health)	
Services and Insurance Plan,)	Civil Action No.:
)	
Plaintiff)	05-30183-MAP
vs.)	
)	
N & B EXPRESS, INC., and)	
JAMES CAPELLI,)	
)	
Defendants.)	

ASSENTED TO MOTION TO CONTINUE HEARING

Now comes Steven Weiss, of Shatz, Schwartz and Fentin, P.C.,
Counsel to James T. Capelli, hereby requests authority to
continue the hearing scheduled for September 28, 2007 at 11:30
("Hearing").

1. The Hearing is scheduled for September 28, 2007 at
11:00 a.m. before the Honorable Kenneth P. Neiman, U.S.
District Court, Springfield, MA.
2. Counsel to James T. Capelli has a previous engagement
that cannot be rescheduled at this time.

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3. Both counsel to Mr. Capelli and Ms. Polizzi have agreed to reschedule the hearing to October 19, 2007 at 11:00.

WHEREFORE, Steven Weiss respectfully prays:

1. That the Hearing scheduled for September 28, 2007 before the Honorable Kenneth P. Neiman, be continued to October 19, 2007 at 11:00 a.m.; and
2. For such further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED
SHATZ, SCHWARTZ AND FENTIN, P.C.
REPRESENTING, JAMES T. CAPELLI

Date: September 27, 2007

By: /S/ Steven Weiss, Esquire
Steven Weiss, Esquire
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(413) 737-1131

ASSENTED TO:
DWYER, DUDDY AND FACKLAM
REPRESENTING, EILEEN POLIZZI
FUND MANAGER OF THE TEAMSTERS LOCAL

Dated: September 27, 2007

By: /S/ Paul M. Facklam, Jr., Esq.
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